

Remarks

As discussed below, the rejections of claims 1-14 cannot be maintained due to the lack of correspondence between the cited portions of the '634 reference and numerous aspects of the claimed invention. In particular method claims 12-14 have not been addressed by the Examiner in the instant Office Action and thus should be indicated as allowed since no valid rejection of claims 12-14 has been presented.

The instant Office Action dated November 19, 2008 notes the following rejections: claims 1-5 and 7-14 stand rejected under 35 U.S.C. § 102(b) over Johnsgard (U.S. Patent No. 6,200,634); and claim 6 stands rejected under 35 U.S.C. § 103(a) over the '634 reference.

Applicant respectfully submits that the § 102(b) rejection of claims 1-5 and 7-14 and the § 103(a) rejection of claim 6 cannot stand because the cited portions of the '634 reference do not correspond to aspects of the claimed invention directed to keeping the electrical signal constant during a deposition cycle without determining the temperature of the wafer. The cited portions of the '634 reference do not teach keeping, without determining the temperature of wafer 502, any electric signal generated by optical pyrometer 534 constant during a deposition cycle. *See, e.g.*, Figure 5 and Col. 9:20-50, which discusses how optical pyrometer 534 and computer system 536 determine the temperature of the wafer to control the process. As such, the cited portions of the '634 reference do not correspond to the claimed invention. Accordingly, Applicant requests that the § 102(b) and § 103(a) rejections be withdrawn.

Applicant respectfully traverses the § 102(b) rejection of claim 3 because the cited portions of the '634 reference do not correspond to aspects of the claimed invention directed to an optical signal measurer that filters an optical signal from the at least one optical fiber and that converts the filtered optical signal into the electrical signal. The cited portions of the '634 reference do not teach that optical pyrometer 534 (*i.e.*, the asserted optical signal measurer) filters an optical signal from optical fiber 526. *See, e.g.*, Figure 5 and Col. 9:20-56. Applicant notes that the Examiner simply identifies optical pyrometer 534, without providing any assertion of correspondence to the filtering aspects of the claimed invention. In fact, a word search of the '634 reference reveals no mention of filtering in relation to the optical pyrometer 534 or in any context whatsoever. In the Advisory Action, the Examiner asserts that the optical pyrometer of the '634 reference

“contains filters to enable a specific frequency to be observed,” however, the Examiner fails to provide any citation from the ‘634 reference to support such an assertion. Accordingly, the § 102(b) rejection of claim 3 is improper and Applicant requests that it be withdrawn.

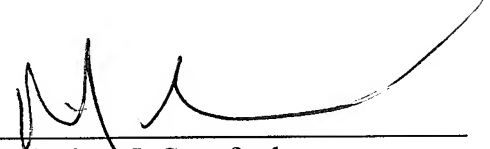
Applicant respectfully traverses the § 102(b) rejection of claims 12-14 because the cited portions of the ‘634 reference do not correspond to aspects of the claimed invention directed to filtering out a spectrum of the radiation signal for which the wafer is opaque and converting the filtered radiation signal into an electrical signal. As discussed above, the ‘634 reference does not teach that optical pyrometer 534 filters the indication of the light intensity provided by optical sensor 526 in any manner, let alone filtering out a spectrum of the radiation signal for which the wafer is opaque as in the claimed invention. *See, e.g.*, Figure 5 and Col. 9:20-56. Applicant notes that the Examiner fails to even assert correspondence to these aspects of claims 12-14; as such, the rejection of claims 12-14 necessarily fails and must be withdrawn. Moreover, as the cited portions of the ‘634 reference do not teach filtering out a spectrum of the radiation signal for which the wafer is opaque, the ‘634 reference further fails to teach converting the (apparently nonexistent) filtered radiation signal into an electrical signal as in the claimed invention. Accordingly, the § 102(b) rejection of claims 12-14 is improper and Applicant requests that it be withdrawn.

Applicant has added new claims 15-20. Applicant submits that claims 15-20 are allowable over the ‘634 reference for at least the reasons discussed above. Applicant notes that support for claims 15-20 can be found throughout Applicant’s disclosure including, for example, in paragraphs 0031-0034 of Applicant’s specification.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063.

Please direct all correspondence to:

Corporate Patent Counsel
NXP Intellectual Property & Standards
1109 McKay Drive; Mail Stop SJ41
San Jose, CA 95131

By: 
Name: Robert J. Crawford
Reg. No.: 32,122
(NXPS.441PA)

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